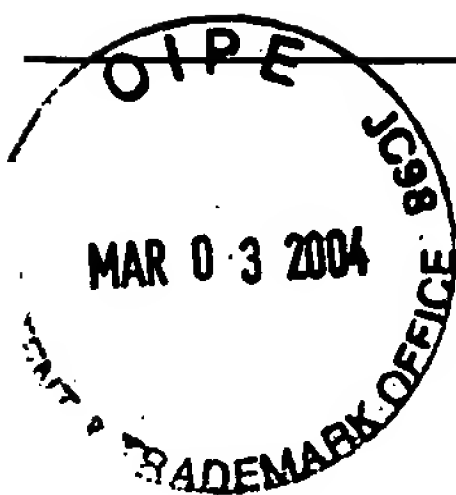


*image*

ARNOLD & PORTER LLP

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555 Twelfth Street, NW  
Washington, DC 20004-1206



March 3, 2004

Mail Stop PGPUB  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Application No. 09/815,264  
Filed: March 23, 2001  
Title: Genomic Plant Sequences and Uses Thereof  
Applicants: Andrey A. BOUKHAROV *et al.*  
Atty. Docket: 38-21(51237)G

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office (PTO):

1. a Request to Rescind Prior Request and Certification Under 37 C.F.R. § 1.213(b);
2. a copy of a Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i) (Exhibit A; and
3. a return postcard.

Please stamp the attached postcard with the filing date of these documents and return it to our courier.

In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. §§ 1.16 or 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter Deposit Account No. 50-2387 referencing matter number 16517.006. A duplicate copy of this letter is enclosed.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "David R. Marsh".

David R. Marsh (Reg. Attorney No. 41,408)  
Holly Logue Prutz (Reg. Attorney No. 47,755)

Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Andrey A. BOUKHAROV *et al.*

Appln. No.: 09/815,264

Filed: March 23, 2001

For: **Genomic Plant Sequences and Uses  
Thereof**

Confirmation No. 8785

Art Unit: 1631

Examiner: Marjorie A. Moran

Atty. Docket: 38-21(51237)G

**Request to Rescind Prior Request and Certification  
Under 37 C.F.R. § 1.213(b)**

**Mail Stop PGPUB**

Commissioner for Patents

P.O. Box 1405

Alexandria, VA 22313-1450

Sir:

Applicants hereby request that the Request for Non-Publication and Certification Under 35 U.S.C. § 122(b) filed on March 23, 2001, in the above-captioned U.S. application be rescinded in accordance with 37 C.F.R. § 1.213(b).

On March 23, 2001, the above-captioned U.S. application was filed with a Request for Non-Publication, which contained a certification under 35 U.S.C. § 122(b)(2)(B)(i), including a statement that the invention “has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.” (Request attached hereto as Exhibit A).

Applicants wish to rescind the request for non-publication filed on March 23, 2001, for the above-captioned U.S. application.

Should the Commissioner require additional information, he is invited to contact the undersigned at the number provided below.

In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. §§ 1.16 or 1.17 are required in the present application, including any fees for extensions of time, authorization to charge such fees is given in the accompanying transmittal letter.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)

Holly Logue Prutz (Reg. No. 47,755)

Date: March 3, 2004

ARNOLD & PORTER LLP  
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PTO/SB/35 (11-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor

Boukharov, et al.

Title

Genomic Plant Sequences and Uses Thereof

Atty Docket Number

16517.001 38-21(51237)G

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

March 23, 2001

Date

Signature

Andrew S. Brenc

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.